



CITY OF SAN JOSE, CALIFORNIA

200 East Santa Clara Street
Second Floor, City Hall Wing
San José, California 95113
Telephone (408) 535-1252
FAX (408) 292-6207

SAN JOSÉ ELECTIONS COMMISSION

Thomas Mertens, Chair
Fred de Funiak, Vice Chair
Jang Badhesha
Steven C. Chell
April Lin Walsh

SAN JOSÉ ELECTIONS COMMISSION MEETING MINUTES October 11, 2006

I CALL TO ORDER

The Members of the San José Elections Commission convened at 5:15 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS Badhesha, deFuniak, and Chair Mertens

ABSENT: Walsh

STAFF PRESENT: City Attorney Rick Doyle
Assistant City Attorney George Rios
Senior Deputy City Attorney Lisa Herrick
Senior Deputy City Attorney Norm Sato
City Clerk Lee Price
Clerk Staff Member Nora Pimentel

II CLOSED SESSION

The Commission met in Closed Session to discuss:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 subsection (a):

Name of Case:

1. San José Silicon Valley Chamber of Commerce Political Action Committee, et al. v. City of San José and San José Elections Commission

III APPROVAL OF MINUTES

A. Minutes of September 20, 2006 were approved as amended.

IV REPORT OF THE CHAIR

Nothing to report.

V PUBLIC HEARINGS

There were none.

VI DISCUSSION ITEMS

A. Status of lobbying ordinance amendments and subcommittee report (City Attorney)

Senior Deputy City Attorney Sato reported on the subcommittee meeting and the lobbyist training that was held on September 28, 2006. He stated that lobbyists had expressed concerns about the proposed contribution threshold for reporting campaign related activities and the 20 hour rule for qualifying. Senior Deputy City Attorney Sato stated that the report to Council needs to be clear as to who is affected and added that he will work on the Council Memorandum and ordinance making amendments to the lobbyist ordinance.

City Clerk Price reported on the status of late filing of lobbyists reports, explained the process of notifying late files and receiving payments. She indicated that the \$10 a day late fee is not meeting the Council's cost recovery goals. Commissioner de Funiak suggested that a form letter be created to follow up on the e-mail correspondence from the City Clerk's Office stating that the filing is late. Commissioner de Funiak also suggested creating a tiered late fee scale for repeat offenders.

Upon motion by Commissioner de Funiak, seconded by Commissioner Badhesha, the Commission unanimously recommended that the fee for late filers be raised from \$10 a day to \$25 a day. This change will be made by Council Resolution.

- B. Discussion of potential referral from the City Council to the Elections Committee to review various provisions of Chapter 12.06 relating to Municipal Campaign Contributions (Matter set to be heard by the City Council on 10/10/06)

City Attorney Doyle provided a status report on the October 10, 2006 City Council meeting. City Attorney Doyle proposed that the Elections Commission come back to the Council in thirty days with a proposal to address issues brought up by Council on limiting contribution amounts and disclosure information. City Attorney Doyle will bring back to the Commission data on the amount of soft money used for this mayoral race.

Chair Mertens stated that the Commission will need outside help to provide a proposal within thirty days. City Attorney Doyle stated that his office would provide assistance to the Commission and will provide a recommendation to the Commission. City Attorney Doyle suggested that a public hearing be set up to obtain feedback and data on contribution limitations and independent expenditures. Chair Mertens noted that another meeting will be scheduled in two weeks to discuss this matter further. Chair Mertens provided an update on the Commission's ongoing work surrounding publicly owned campaigns. City Attorney Doyle suggested that the Commission interview current and former officeholders to get real world input on the effect of independent expenditures.

- C. Continued discussion regarding the proposal for public financing of city council and mayoral campaigns in San Jose

Chair Mertens provided an update on the interviews with unsuccessful candidates and stated that the subcommittee will be meeting within the next week or two. Discussion was held on the dates and locations for the public meetings as well as the format and it was agreed that three public meetings be held after the election in Districts 3 or 6, 5 and 9.

VII MEETING SCHEDULE

The next meeting is scheduled for October 26, 2006 at 5:15 p.m.

VIII PUBLIC COMMENT

There were none.

VII ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION